CONFERENCE ON DISARMAMENT

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GERMANY
(on behalf of the European Union)

JOINT ACTION

of 17 December 1998

adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons

(1999/34/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the general guidelines of the European Council held on 26 and 27 June 1992, which identified the areas falling within the security sphere which could, as from the entry into force of the Treaty on European Union, be the subject of joint actions,

Whereas the excessive and uncontrolled accumulation and spread of small arms and light weapons (hereafter referred to as 'small arms') (1) has become a problem of great concern to the international community and this phenomenon poses a threat to peace and security and reduces the prospects for sustainable development in many regions of the world;

Whereas the European Union welcomes the adoption and declaration of a moratorium on the importation, exportation and manufacture of light weapons in Ecowas Member States by the Authority of Heads of State or Government of the Economic Community of West African States (Ecowas) at its 21st session;

Whereas the UN Security Council adopted unanimously on 19 November 1998 Resolution 1209 (1998) on the situation in Africa, illicit arms flows to and in Africa;

Whereas the UN General Assembly addressed, in particular in Resolutions 52/38J on Small arms and 52/38G on consolidation of peace through practical disarmament measures, the problems caused by the destabilising accumulation and spread of small arms;

Whereas the Group of Governmental Experts on Small Arms has been reestablished by the Secretary-General in accordance with Resolution 52/38J, to continue the work already accomplished under the Panel of Governmental Experts on Small Arms;

Whereas the UN Economic and Social Council recommended that States work towards the elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organised crime;

Whereas the International Criminal Police Organisation (Interpol) is actively pursuing its efforts in the fight against the criminal use of firearms,

Whereas in the spirit of the 'Brussels call for action' and in the interest of upholding State responsibility to protect citizen security within a framework of good governance and integrated approach to security and sustainable development it is required to take comprehensive measures for the elimination of uncontrolled circulation of small arms;

Whereas the present initiative builds on, and is complementary to already existing EU initiatives, in particular the EU programme for preventing and combating illicit trafficking in conventional arms adopted by the Council on 26 June 1997 and the EU code of conduct on arms exports adopted by the Council on 8 June 1998;

Whereas the European Community has supported actions of demobilisation and reintegration of former combatants and of weapons collection in the context of its humanitarian aid, reconstruction and development cooperation policy,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

Article 1

1. The objectives of this Joint Action are:

(1) See Annex.

— to combat and contribute to ending the destabilising accumulation and spread of small arms,

— to contribute to the reduction of existing accumulations of these weapons to levels consistent with countries' legitimate security needs, and

— to help solve the problems caused by such accumulations.

2. This Joint Action entails the following elements:

— building consensus on the principles and measures referred to in Title I,

— making a multifaceted contribution as referred to in Title II.

TITLE I

Principles on preventive and reactive aspects

Article 2

The European Union shall enhance efforts to build consensus in the relevant regional and international forums (e.g. the UN and OSCE) and among affected States on the principles and measures set out in Article 2 and on those set out in Articles 3 and 4 as the basis for regional and incremental approaches to the problem and, where appropriate, global international instruments on small arms.

Article 3

In pursuing the objectives set out in Article 1, the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to prevent the further destabilising accumulation of small arms:

(a) a commitment by all countries to import and hold small arms only for their legitimate security needs, to a level commensurate with their legitimate self-defence and security requirements, including their ability to participate in UN peacekeeping operations;

(b) a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorised to procure weapons on their behalf) in accordance with appropriate international and regional restrictive arms export criteria, as provided in particular in the EU code of conduct, including officially authorised end-use certificates or, when appropriate, other relevant information on end-use;

(c) a commitment by all countries to produce small arms only for holdings as outlined in (a) above or exports as outlined in (b) above;

(d) in order to ensure control, the establishment and maintenance of national inventories of legally-held weapons owned by the country's authorities and the establishment of restrictive national weapons legislation for small arms including penal sanctions and effective administrative control;

(e) the establishment of confidence building measures, including measures to promote increased transparency and openness, through regional registers on small arms and regular exchanges of available information, on exports, imports, production and holdings of small arms, and on national weapons legislation, and through consultations between the relevant parties on the information exchanged;

(f) the commitment to combat illicit trafficking of small arms through the implementation of effective national controls, such as efficient border and customs mechanisms, regional and international cooperation and enhanced information exchange;

(g) the commitment to challenge and reverse 'cultures of violence', by enhancing public involvement through public education and awareness programmes.

Article 4

In pursuing the objectives set out in Article 1, the efforts of the European Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to reduce existing accumulations of small arms:

(a) the assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;

(b) the promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms, the demobilisation of combatants and their subsequent rehabilitation and reintegration, such measures to include compliance with peace and arms control agreements under combined or third-party supervision, respect of human rights and humanitarian law, the protection of the rule of law, in particular as regards the personal safety of former combatants and small arms amnesties, as well as community-based development project and other economic and social incentives;

(c) the effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons, preferably under international supervision;

(d) the rendering of assistance through appropriate international organisations, programmes and agencies as well as regional arrangements.

Article 5

The Member States will promote, where appropriate, in the context of resolving armed conflicts,

(a) the inclusion of provisions with regard to demobilisation, elimination of surplus weapons and integration of ex-combatants into peace agreements between the parties to the conflict, into mandates of peace-support operations or other relevant missions in support of the peaceful settlement,

(b) the consideration of the possibility of making necessary provision for measures ensuring the removal of small arms in the context of demobilisation by the UN Security Council in case the country or parties concerned are not in a position to comply with the relevant obligations.

TITLE II

Contribution by the European Union to specific actions

Article 6

1. The Union will provide financial and technical assistance to programmes and projects which make a direct and identifiable contribution to the principles and measures referred to in Title I, including relevant programmes or projects conducted by the UN, the International Committee of the Red Cross, other international organisations and regional arrangements and NGOs. Such projects might include, *inter alia*, weapons collection, security sector reform and demobilisation and reintegration programmes as well as specific victim assistance programmes.

2. In providing such assistance, the EU shall take into account in particular the recipient's commitments to comply with the principles mentioned in Article 3; their respect of human rights; their compliance with international humanitarian law and the protection of the rule of law; and their compliance with their international commitments, in particular with regard to existing peace treaties and international arms control agreements.

Article 7

1. The Council shall decide on:

— the allocation of the financial and technical contribution referred to in Article 6,

— the priorities for the use of those funds,

— the conditions for implementing specific actions of the Union, including the possibility of designating, in certain instances, a person responsible for its implementation.

2. The Council shall decide on the principle, arrangements and financing of such projects on the basis of concrete and properly-costed project proposals and on a case-by-case basis, without prejudice to Member States' bilateral contributions and operation of the European Community.

3. The Presidency shall, under the conditions set out in Article J.5(3) of the Treaty:

— ensure liaison with the United Nations and any other relevant organisation involved,

— establish, with regional arrangements and third countries, the contacts needed to implement the Union's specific actions.

It shall keep the Council informed.

Article 8

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.

Article 9

1. The Council and the Commission shall be responsible for ensuring the consistency of the Union's activities in the field of small arms, in particular with regard to its development policies. For this purpose, Member States and the Commission shall submit any relevant information to the relevant Council bodies. The Council and the Commission shall ensure implementation of their respective action, each in accordance with its powers.

2. Member States shall equally seek to increase the effectiveness of their national actions in the field of small arms. As far as possible, actions taken pursuant to Article 6 shall be coordinated with those of Member States and of the European Community.

Article 10

The Council will review annually the actions taken in the framework of this Joint Action.

Article 11

This Joint Action shall enter into force on the day of its adoption.

Article 12

This Joint Action shall be published in the Official Journal.

Done at Brussels, 17 December 1998.

For the Council
The President
W. MOLTERER

ANNEX

The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification, and may be reviewed in the light of any such future internationally agreed definition.

(a) Small arms and accessories specially designed for military use

- machine-guns (including heavy machine-guns),
- submachine-guns, including machine pistols,
- fully automatic rifles,
- semi-automatic rifles, if developed and/or introduced as a model for an armed force,
- moderators (silencers).

(b) Man or crew-portable light weapons

- cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre,
- grenade launchers,
- anti-tank weapons, recoilless guns (shoulder-fired rockets),
- anti-tank missiles and launchers,
- anti-aircraft missiles/man-portable air defence systems (Manpads).

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